IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 13TH DECEMBER 2006 / 22ND AGRAHAYANA 1928

Bail Appl..No. 7349 of 2006()

OR No.16/2006 of Ottapplam Forest Range

: APPLICANT/ACCUSED

MOHAMMED ANEESH,
S/O.M.ABBAS, MAKKADAYIL HOUSE,
CHERUKODE P.O., VALLAPPUZHA,
PALAKKAD DISTRICT.

BY ADV. SRI.P.VIJAYA BHANU
SMT.P.MAYA

RESPONDENT: COMPLAINANT

STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM, REPRESENTING THE FOREST RANGE OFFICER,
OTTAPALAM, FOREST RANGE.

BY PUBLIC PROSECUTOR SHRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. Ramkumar, J.

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B.A.No.7349 of 2006

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Dated this the 13th day of December, 2006.

ORDER

Petitioner, who is the third accused in O.R.No.16 of 2006 of Ottappalam Forest Range for an offence punishable under Section 27 (1)(d) of Kerala Forest Act, seeks anticipatory bail.

2. The occurrence took place on 18.11.2006 on which day, the first accused was intercepted by the Forest Range Officer, Ottappalam and party while the petitioner was driving a Maruti car bearing Registration No.KL-9G 7940. The car was found to contain 61.5 kg. of sandal wood in three plastic bags. The driver of the vehicle made good his escape and he could not be apprehended by the Forest party. There is also no contemporary records to show that the driver was identified by the detecting party. Subsequently on the strength of a confession statement by A1 to the effect that A1 does not know the name and address of the driver of the vehicle and that it was A2 who arranged the driver, A2 – Kunjumani was arrested and his confession was to the effect that it was he himself who arranged A3, the son of A1 as the driver for driving the Maruti car.

3. Having regard to the inherent improbabilities in the above versions and having further regard to the fact that the driver of the vehicle was not identified by the detecting party, I am inclined to grant anticipatory bail to the petitioner. Accordingly, a direction is issued to the Investigating Officer concerned to release the petitioner on bail for a period of one month in the event of his arrest in connection with the above case on his executing a bond for Rs. 10,000/- with two solvent sureties each for the like amount to the satisfaction to the said officer and subject to the following conditions:

1. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

3. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

4. Petitioner shall not commit any offence while on bail.

5. Petitioner shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR,
JUDGE.

ess 13/12